

Jesse Merrithew, OSB No. 074564

Email: jesse@lmhlegal.com

Viktoria Lo, OSB No. 175487

Email: viktoria@lmhlegal.com

Levi Merrithew Horst PC

610 SW Alder Street, Suite 415

Portland, Oregon 97205

Telephone: (971) 229-1241

Juan C. Chavez, OSB No. 136428

Email: jchavez@ojrc.info

Brittney Plessner, OSB No. 154030

Email: bplessner@ojrc.info

Alex Meggitt, OSB No. 174131

Email: ameggitt@ojrc.info

Franz H. Bruggemeier, OSB No. 163533

Email: Fbruggemeier@ojrc.info

Oregon Justice Resource Center

PO Box 5248

Portland, OR 97208

Telephone: 503 944-2270

J. Ashlee Albies, OSB No. 051846

Email: ashlee@albiesstark.com

Whitney B. Stark, OSB No. 090350

Email: whitney@albiesstark.com

Maya Rinta, OSB No. 195058

Email: maya@albiesstark.com

Albies & Stark LLC

1 SW Columbia St. Suite 1850

Portland, Oregon 97204

Telephone: (503) 308-4770

Facsimile: (503) 427-9292

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF CHASE LINGELBACH
IN SUPPORT OF PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Chase Lingelbach, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am 31 years old. I am a white male and live in Portland, Oregon. I am currently unemployed but previously was a games tester.
3. During the height of the protests I probably attended two to three times a week. After the 100 day mark I went one or two times a month. I attended the protests mostly because of George Floyd. I was there for the very first vigil in North Portland and marched downtown on the first night. I was disturbed by the constant use of excessive force by the police.
4. In the Laurelhurst area I was batoned and bull-rushed multiple times. To the best of my knowledge, the officers who used force against me were Portland Police Bureau, they were wearing uniforms that looked like PPB, and this was in June before the feds came in July.

DECLARATION OF CHASE LINGELBACH IN SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION ORAL ARGUMENT REQUESTED

5. I started with the crowd gathered in Laurelhurst Park. We marched to the Penumbra Kelly Building on Burnside. About one hour in, night had fallen and about 20-40 police formed a line and sent everyone down Burnside Street. People were chased through the neighborhoods; my group took a left and headed south.

6. We were chased by about 10 Portland Police who were in a line behind us, and they batoned us because they said we were walking too slow. Me and my buddy were hit with a baton on the back. I was hit just once with a single whack and I mostly had just a sore back for a week or so. I started running after that and they kept chasing us. We splintered off from the rest of the group and left the area.

7. The only lasting injury I sustained was from multiple bull-rushes. Police were chasing people on motorcycles and cars down Burnside from the Penumbra Kelly Building. While I was running I tripped and sprained my ankle. I had a bum ankle for about a year after that.

8. On June 6th, 2020 I was at the Portland Police Association in North Portland. I was with a crowd of peaceful protesters. We were dancing and chanting; this was when the PPA still had glass windows. Portland Police officers came out and formed a small line of five or six in front of the PPA to protect the building.

9. I saw that one of the officers swatted a phone out of a protester's hand who was filming. The phone broke a window of the building and then officers started getting rowdy, they started pushing people around as soon as the glass shattered. That was cause for what they called a "riot," but there hadn't been any activity other than chanting. It was entirely peaceful until they did their thing.

10. A volley of tear gas came down. Those of us at the front close to the officers backed off and that's when I got shot. I was hit in the chest with a foam-tipped impact munition. I did not sustain an injury, but the foam tip broke and I got covered in paint. I think I was targeted because I was

DECLARATION OF CHASE LINGELBACH IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION ORAL ARGUMENT REQUESTED

wearing all black and had an umbrella. I was using the umbrella to shield myself and others from pepper ball rounds. I never used the umbrella as a weapon, it was the small, expandable aluminum kind and would just break if you swung it or tried anything other than opening it.

11. During this protest I had a gas mask on and was yelling, going around helping people get out of the area with the gas. I was also wearing multiple layers of clothing that I believe helped prevent injury from the munitions I was hit with.


12. I continued to go to the protests even after getting hurt. Many times I witnessed people getting hit with flash bangs and they were just in the middle of the crowd chanting. Tons of people who weren't front liners got hit.

13. To the best of my knowledge it was Portland Police Bureau that hit me with the baton and with the rubber bullet because the officers I saw were wearing uniforms that looked like PPB.

14. I believe in the continued importance of the protests and would like to attend protests in the future. I worry that I will be injured again. Being repeatedly tear gassed and now being hit with impact munitions at close range, I fear for my life and safety while protesting.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 7th, 2022.



Matthew Chase Lingelbach (Jan 7, 2022 23:16 PST)
Chase Lingelbach

DECLARATION OF CHASE LINGELBACH IN SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION ORAL ARGUMENT REQUESTED